

TAB 5

INSTRUCTIONS FOR USE REPRESENTATIONS AND CERTIFICATIONS FOR OFFERORS

This Tab contains two different sets of Representations and Certifications for Offerors. One set is for use when purchasing Commercial Items as defined in Tab 6. The second set of Representations and Certifications is applicable to all subcontracts and purchase orders for services and commodities except Commercial Items. With either set, some of the Representations and Certifications are automatically applicable, while others are applicable in certain circumstances. A blank line in the listing of provisions precedes these latter ones, and an "X" must be placed in the blank to make it applicable. Buyers and SAs must pay careful attention to the instructions accompanying each of the provisions where a decision must be made. When in doubt, consult Management, Procurement Support, the Small Business Liaison, or Counsel.

REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFERORS

Various statutes and regulations require the Contractor to obtain certain representations, certifications, and other statements from Offerors in connection with the award of contracts. To this end, all Offerors submitting a proposal for over \$10,000 in response to this solicitation must complete the following representations and certifications. Those representations and certifications listed below that are preceded by a blank space are not applicable unless indicated by the placement of an "X" in the blank space.

1. Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters
2. Small Business Program Representations
3. Previous Contracts and Compliance Reports
4. Affirmative Action Compliance
5. Compliance with Veterans Employment Reporting Requirements (*Applicable if this subcontract will exceed \$25,000 in value.*)
6. Clean Air and Water Certification
7. Royalty Information
- ___ 8. Buy America Act (*Include if this is a subcontract or purchase order for supplies.*)
- ___ 9. Agreement Regarding Workplace Substance Abuse Programs at DOE Facilities (*Include if subcontract is subject to 10 CFR Part 707, Workplace Substance Abuse Programs at DOE Sites. Applicability should be indicated on the Purchase Requisition.*)
- ___ 10. Foreign Ownership, Control or Influence over Contractor (*Include if subcontract requires access to secret or confidential information or special nuclear material. Applicability is indicated if the requisition indicates a need for cleared workers. Also attach the RFPD-66B.*)
- ___ 11. Organizational Conflicts of Interest –Disclosure (*Include if subcontract will exceed \$100,000 and will involve "Advisory and Assistance Services" as defined in FAR 37.201. Remember to obtain Disclosure Statement from apparent successful Offeror, or all those in competitive range, and process PDI-125 prior to award.*)
- ___ 12. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (*Include if subcontract is estimated to exceed \$100,000.*)
- ___ 13. Certification of Toxic Chemical Release Reporting (*Include if this is a competitive subcontract expected to exceed \$100,000.*)
- ___ 14. Exemption from Application of Service Contract Act Provisions for Contracts for Maintenance, Calibration, and/or Repair of Certain Information Technology, Scientific and Medical and/or Office and Business Equipment—Subcontractor Certification (*Include if subcontract is for maintenance, calibration, and/or repair of information technology, scientific and medical, and office and business equipment.*)
- ___ 15. Cost Accounting Standards Notices and Certification (*Include if subcontract is expected to be subject to Cost Accounting Standards.*)
- ___ 16. Pre-Award On-Site Equal Opportunity Compliance Evaluation (*Include if subcontract is expected to exceed \$10,000,000.*)
17. Authorized Negotiators
18. Taxpayer Identification

**REPRESENTATIONS, CERTIFICATIONS, AND OTHER
STATEMENTS OF OFFERORS**

**1. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER
RESPONSIBILITY MATTERS (FAR 52.209-5) (MAR 1996)**

(a)

- (1) The Offeror certifies, to the best of its knowledge and belief, that —
 - (i) The Offeror and/or any of its Principals —
 - (A) Are ☐ are not ☐ presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency.
 - (B) Have ☐ have not ☐, within a 3-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
 - (C) Are ☐ are not ☐ presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in Subdivision (a)(1)(i)(B) of this provision.
 - (ii) The Offeror has ☐ has not ☐, within a 3-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.
 - (2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager, plant manager, head of a subsidiary, division, or business segment, and similar positions).

This certification concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Section 1001, Title 18, United States Code.
- (b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time before contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
 - (c) A certification that any of the items in Paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.
 - (d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by Paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - (e) The certification in Paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

2. SMALL BUSINESS PROGRAM REPRESENTATIONS (FAR 52.219-1) (OCT 2000)

(a) Business Size

- (1) The North American Industry Classification System (NAICS) code for this acquisition is *(Insert NAICS code)* _____.
- (2) The small business size standard is *(Insert size standard)* _____.
- (3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product that it did not itself manufacture, is 500 employees.

(b) Representations

- (1) The Offeror represents as part of its offer that it [] is, [] is not a small business concern.
- (2) ***(Complete only if the Offeror represented itself as a small business concern in Paragraph (b)(1) of this provision.)***
The Offeror represents, for general statistical purposes, that it [] is [] is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.
- (3) ***(Complete only if the Offeror represented itself as a small business concern in Paragraph (b)(1) of this provision.)*** The Offeror represents as part of its offer that it [] is [] is not a woman-owned small business concern.
- (4) ***(Complete only if Offeror represented itself as a small business concern in Paragraph (b)(1) of this provision.)***
The Offeror represents as part of its offer, that –
It [] is [] is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and
It [] is [] is not a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in Paragraph (b)(4)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. ***(The Offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture: _____.)*** Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(c) Definitions

“Small Business concern,” as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in Paragraph (a) of this provision.

“Women-owned small business concern,” as used in this provision means a small business concern –

- (1) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (2) Whose management and daily business operations are controlled by one or more women.

(d) Notice

- (1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.
- (2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to Section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references Section 8(d) for a definition of program eligibility, shall –
 - (i) Be punished by imposition of fine, imprisonment, or both;
 - (ii) Be subject to administrative remedies, including suspension and debarment; and
 - (iii) Be ineligible for participation in programs conducted under the authority of the Act.

3. **PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FAR 52.222-22) (FEB 1999)**

The Offeror represents that –

- (a) It [] has, [] has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;
- (b) It [] has, [] has not, filed all required compliance reports, and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

4. **AFFIRMATIVE ACTION COMPLIANCE (FAR 52.222-25) (APR 1984)**

The Offeror represents that (a) it [] has developed and has on file, [] has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and

60-2), or (b) it [] has not previously had contracts subject to the written affirmative action programs requirements of the rules and regulations of the Secretary of Labor.

5. COMPLIANCE WITH VETERANS EMPLOYMENT REPORTING REQUIREMENTS

The Offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., the VETS-100 report required by the Federal Acquisition Regulation (FAR) clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has [] has not [] submitted the most recent report required by 38 U.S.C. 4212(d).

An Offeror who checks "has not" may not be awarded a contract until the required reports are filed. (31 U.S.C 1354).

6. CLEAN AIR AND WATER CERTIFICATION (FAR 52.223-1) (APR 1984)

The Offeror certifies that –

- (a) Any facility to be used in the performance of this proposed contract is [], is not [] listed on the Environmental Protection Agency List of Violating Facilities;
- (b) The Offeror will immediately notify the Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the Offeror proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and
- (c) The Offeror will include a certification substantially the same as this certification, including this Paragraph (c), in every nonexempt subcontract.

7. ROYALTY INFORMATION (FAR 52.227-6) (APR 1984)

- (a) Cost or charges for royalties. When the response to this solicitation contains costs or charges for royalties totaling more than \$25.00, the following information shall be included in the response relating to each separate item of royalty or license fee:
 - (1) Name and address of licensor.
 - (2) Date of license agreement.
 - (3) Patent numbers, patent application serial numbers, or other basis on which the royalty is payable.
 - (4) Brief description, including any part or model numbers of each contract item or component on which the royalty is payable.
 - (5) Percentage or dollar rate of royalty per unit.
 - (6) Unit price of contract item.
 - (7) Number of units.
 - (8) Total dollar amount of royalties.
- (b) Copies of current licenses. In addition, if specifically requested by the Contracting Officer before execution of the contract, the Offeror shall furnish a copy of the current license agreement and an identification of applicable claims of specific patents.

8. BUY AMERICAN CERTIFICATE (FAR 52.225-1) (DEC 1989)

The Offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the clause entitled "Buy American Act-Supplies"), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

EXCLUDED END PRODUCTS

COUNTRY OF ORIGIN

_____	_____
_____	_____

(List as necessary)

Offerors may obtain from the contracting officer lists of articles, materials, and supplies excepted from the Buy American Act.
(End of provision)

9. **AGREEMENT REGARDING WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE FACILITIES (DEAR 970.5204-57) (SEP 1997)**
- (a) Any contract awarded as a result of this solicitation will be subject to the policies, criteria, and procedures of 10 CFR Part 707, Workplace Substance Abuse Programs at DOE Sites.
 - (b) By submission of its offer, the Offeror agrees to provide to the Contracting Officer, within thirty (30) days after notification of selection for award, or award of a contract, whichever occurs first, pursuant to this solicitation, its written workplace substance abuse program consistent with the requirements of 10 CFR Part 707.
 - (c) Failure of the Offeror to agree to the condition of responsibility set forth in Paragraph (b) of this provision, renders the Offeror unqualified and ineligible for award.
10. **FOREIGN OWNERSHIP, CONTROL OR INFLUENCE OVER CONTRACTOR (DEAR 952.204-72) (JUL 1997)**
See Attached RFPD-66B.
11. **ORGANIZATIONAL CONFLICTS OF INTEREST – DISCLOSURE – ADVISORY AND ASSISTANCE SERVICES (DEAR 952.209-8) (JUN 1997)**
- (a) Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Government, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.
 - (b) An Offeror notified that it is the apparent successful Offeror shall provide the statement described in Paragraph (c) of this provision. For purposes of this provision, "apparent successful Offeror" means the proposer selected for final negotiations or, where individual contracts are negotiated with all firms in the competitive range, it means all such firms.
 - (c) The statement must contain the following:
 - (1) A statement of any past (within the past twelve [12] months), present, or currently planned financial, contractual, organizational, or other interests relating to the performance of the Statement of Work. For contractual interests, such statement must include the name, address, telephone number of the client or client(s), a description of the services rendered to the previous client(s), and the name of a responsible officer or employee of the Offeror who is knowledgeable about the services rendered to each client, if, in the twelve (12) months preceding the date of the statement, services were rendered to the Government or any other client (including a foreign government or person) respecting the same subject matter of the instant solicitation, or directly relating to such subject matter. The agency and contract number under which the services were rendered must also be included, if applicable. For financial interests, the statement must include the nature and extent of the interest and any entity or entities involved in the financial relationship. For these and any other interests enough such information must be provided to allow a meaningful evaluation of the potential effect of the interest on the performance of the statement of work.
 - (2) A statement that no actual or potential conflict of interest or unfair competitive advantage exists with respect to the advisory and assistance services to be provided in connection with the instant contract or that any actual or potential conflict of interest or unfair competitive advantage that does or may exist with respect to the contract in question has been communicated as part of the statement required by Paragraph (b) of this provision.
 - (d) Failure of the Offeror to provide the required statement may result in the Offeror being determined ineligible for award. Misrepresentation or failure to report any fact may result in the assessment of penalties associated with false statements or such other provisions provided for by law or regulation.
12. **CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (FAR 52.203-11) (APR 1991)**
- (a) The definitions and prohibitions contained in the clause, at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in Paragraph (b) of this certification.
 - (b) The Offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989--
 - (1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a Member of Congress on his or her behalf in connection with the awarding of a contract resulting from this solicitation.

- (2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the Offeror shall complete and submit, with its offer, OMB standard form LLL Disclosure of Lobbying Activities, to the Contracting Officer, and
- (3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.
- (c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by Section 1352 Title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

13. CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING (FAR 52.223-13) (OCT 2000)

- (a) Submission of this certification is a prerequisite for making or entering into this contract imposed by Executive Order 12969, August 8, 1995.
- (b) By signing this offer, the Offeror certifies that –
 - (1) As the owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and Section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the Offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in Sections 313(a) and (g) of EPCRA and Section 6607 of PPA; or –
 - (2) None of its owned or operated facilities to be used in the performance of this contract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons: *(Check each block that is applicable.)*
 - (i) ☐ The facility does not manufacture, process, or otherwise use any toxic chemicals listed under Section 313(c) of EPCRA, 42 U.S.C. 11023(c);
 - (ii) ☐ The facility does not have 10 or more full-time employees as specified in Section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);
 - (iii) ☐ The facility does not meet the reporting thresholds of toxic chemicals established under Section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);
 - (iv) ☐ The facility does not fall within Standard Industrial Code (SIC) major groups 20 through 39 or their corresponding North American Industrial Classification System (NAICS) Sectors 31 through 33; or
 - (v) ☐ The facility is not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.

14. EXEMPTION FROM APPLICATION OF SERVICE CONTRACT ACT PROVISIONS FOR CONTRACTS FOR MAINTENANCE, CALIBRATION, AND/OR REPAIR OF CERTAIN INFORMATION TECHNOLOGY, SCIENTIFIC AND MEDICAL AND/OR OFFICE AND BUSINESS EQUIPMENT—CONTRACTOR CERTIFICATION (FAR 52.222-48) (AUG 1996)

- (a) The following certification shall be checked:

CERTIFICATION

The Offeror certifies ☐ does not certify ☐ that –

- (1) The items of equipment to be serviced under this contract are commercial items which are used regularly for other than Government purposes, and are sold or traded by the Contractor in substantial quantities to the general public in the course of normal business operations;
- (2) The contract services are furnished at prices which are, or are based on, established catalog or market prices for the maintenance, calibration, and/or repair of certain information technology, scientific and medical, and/or office and business equipment. An "established catalog price" is a price (including discount price) recorded in a catalog, price list, schedule, or other verifiable and established record that is regularly maintained by the manufacturer or the Contractor and is either published or otherwise available for inspection by customers. An

"established market price" is a current price, established in the course of ordinary and usual trade between buyers and sellers free to bargain, which can be substantiated by data from sources independent of the manufacturer or Contractor, and

- (3) The Contractor utilizes the same compensation (wage and fringe benefits) plan for all service employees performing work under the contract as the Contractor uses for equivalent employees servicing the same equipment of commercial customers.
- (b) If a negative certification is made and a Service Contract Act wage determination is not attached to the solicitation, the Contractor shall notify the Contracting Officer as soon as possible.
- (c) Failure to execute the certification in Paragraph (a) of this clause or to contact the Contracting Officer as required in Paragraph (b) of this clause may render the bid or offer nonresponsive.

15. COST ACCOUNTING STANDARDS NOTICES AND CERTIFICATION

Note: This notice does not apply to small businesses or foreign governments. This notice is in three parts, identified in Paragraphs (a), (b), and (c).

Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant contract.

If the Offeror is an educational institution, Part (b) does not apply unless the contemplated contract will be subject to full or modified CAS coverage pursuant to 48 CFR 9903.201-2(c)(5) or 9903.201-2(c)(6), respectively.

(a) *Disclosure Statement -- Cost Accounting Practices and Certification*

- (1) Any contract in excess of \$500,000 resulting from this solicitation will be subject to the requirements of the Cost Accounting Standards Board (48 CFR Chapter 99), except for those contracts which are exempt as specified in 48 CFR 9903.201-1.
- (2) Any Offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of 48 CFR Chapter 99 must, as a condition of contracting, submit a Disclosure Statement as required by 48 CFR 9903.202. When required, the Disclosure Statement must be submitted as a part of the Offeror's proposal under this solicitation unless the Offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the Offeror may satisfy the requirement for submission by providing the information requested in Paragraph (3) of Part (a) of this provision.

Caution: In the absence of specific regulations or agreement, a practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.

(3) Check the appropriate box below:

- (i) ☐ *Certificate of Concurrent Submission of Disclosure Statement.*

The Offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows:

- (A) Original and one copy to the cognizant Administrative Contracting Officer (ACO) or cognizant Federal agency official authorized to act in that capacity (Federal official), as applicable; and
- (B) One copy to the cognizant Federal auditor.

(Disclosure must be on Form No. CASB DS-1 or CASB DS-2, as applicable. Forms may be obtained from the cognizant ACO or Federal official and/or from the loose-leaf version of the Federal Acquisition Regulation.)

Date of Disclosure Statement: _____

Name and Address of Cognizant ACO or Federal Official Where
Filed: _____

The Offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

- (ii) ☐ *Certificate of Previously Submitted Disclosure Statement.*

The Offeror hereby certifies that the required Disclosure Statement was filed as follows:

Date of Disclosure Statement: _____
Name and Address of Cognizant ACO or Federal Official Where Filed: _____.

The Offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

(iii) ☐ *Certificate of Monetary Exemption.*

The Offeror hereby certifies that the Offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling more than \$25 million (of which at least one award exceeded \$1 million) in the cost accounting period immediately preceding the period in which this proposal was submitted. The Offeror further certifies that if such status changes before an award resulting from this proposal, the Offeror will advise the Contracting Officer immediately.

(iv) ☐ *Certificate of Interim Exemption.*

The Offeror hereby certifies that –

- (A) the Offeror first exceeded the monetary exemption for disclosure, as defined in (iii) of this Subsection, in the cost accounting period immediately preceding the period in which this offer was submitted and
- (B) in accordance with 48 CFR 9903.202-1, the Offeror is not yet required to submit a Disclosure Statement. The Offeror further certifies that if an award resulting from this proposal has not been made within ninety (90) days after the end of that period, the Offeror will immediately submit a revised certificate to the Contracting Officer, in the form specified under Subparagraph (3)(i) or (3)(ii) of Part (a) of this provision, as appropriate, to verify submission of a completed Disclosure Statement.

Caution: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of \$25 million or more in the current cost accounting period may not claim this exemption (iv). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

(b) *Cost Accounting Standards -- Eligibility for Modified Contract Coverage*

If the Offeror is eligible to use the modified provisions of 48 CFR 9903.201-2(b) and elects to do so, the Offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause in lieu of the Cost Accounting Standards clause.

☐ The Offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 48 CFR 9903.201-2(b) and certifies that the Offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the Offeror received less than \$25 million in awards of CAS-covered prime contracts and subcontracts, or the Offeror did not receive a single CAS-covered award exceeding \$1 million. The Offeror further certifies that if such status changes before an award resulting from this proposal, the Offeror will advise the Contracting Officer immediately.

(c) *Additional Cost Accounting Standards Applicable to Existing Contracts*

The Offeror shall indicate below whether award of the contemplated contract would, in accordance with Subparagraph (a)(3) of FAR 52.230-2, Cost Accounting Standards, require a change in established cost accounting practices affecting existing contracts and subcontracts.

☐ Yes ☐ No

16. PRE-AWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION (FAR 52.222-24) (FEB 1999)

If a contract in the amount of \$10 million or more will result from this solicitation, the prospective Contractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Contractor and subcontractors to be in compliance with Executive Order 11246.

17. AUTHORIZED NEGOTIATORS

The Offeror or quoter represents that the following persons are authorized to negotiate on its behalf with the Contractor in connection with this request for proposals or quotations. List name(s), title(s), and telephone number(s) of the authorized negotiator(s):

Name

Telephone No.

Title

18. TAXPAYER IDENTIFICATION

(a) Definitions.

"Common parent," as used in this solicitation provision, means that a corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the Offeror is a member.

"Corporate status," as used in this solicitation provision, means a designation as to whether the Offeror is a corporate entity, an unincorporated entity (e.g., sole proprietorship or partnership), or a corporation providing medical and health care services.

"Taxpayer Identification Number (TIN)," as used in this solicitation provision, means the number required by the Internal Revenue Service (IRS) to be used by the Offeror in reporting income tax and other returns.

- (b) All Offerors are required to submit the information required in Paragraphs (c) through (e) of this solicitation provision in order to comply with reporting requirements of 26. U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the IRS. If the resulting subcontract is subject to reporting requirements described in FAR 4.903, the failure or refusal by the Offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the subcontract.

(c) Taxpayer Identification Number (TIN).

☐ TIN _____.

☐ TIN has been applied for.

☐ TIN is not required because: _____

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.;

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of a Federal, state, or local government;

☐ Other. State basis _____.

(d) Corporate Status.

☐ Corporation providing medical and health care services, or engaged in the billing and collecting of payments for such services.

☐ Other corporate entity.

☐ Not a corporate entity.

☐ Sole proprietorship.

☐ Partnership.

☐ Hospital or extended care facility described in 26 CFR 501 (c)(3) that is exempt from taxation under 26 CFR 501 (a).

(e) Common Parent.

☐ Offeror is not owned or controlled by a common parent as defined in Paragraph (a) of this provision.

☐ Name and TIN of common parent.

Name _____.

TIN _____.

SIGNATURE/CERTIFICATION

By signing below, the Offeror certifies, under penalty of law, that the representations and certifications are accurate, current, and complete. The Offeror further certifies that it will notify the Contractor of any changes to these representations and certifications. The representations and certifications made by the Offeror, as contained herein, concern matters within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent representation or certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

Signature of the Officer or Employee
Responsible for the Offer/Offeror

Date of Execution

Typed/Printed Name and Title of the Officer
or Employee Signing Above

**REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS
OF OFFERORS FOR COMMERCIAL ITEMS**

Various statutes and regulations require the Contractor to obtain certain representations, certifications, and other statements from Offerors in connection with the award of contracts. To this end, all Offerors submitting a proposal in response to this solicitation must complete the following representations and certifications. Those representations and certifications listed below that are preceded by a blank space are not applicable unless indicated by the placement of an "X" in the blank space.

1. Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters
2. Small Business Program Representations
3. Previous Contracts and Compliance Reports
4. Affirmative Action Compliance
5. Compliance with Veterans Employment Reporting Requirements
6. Royalty Information
- ___ 7. Buy America Act *(Include if this is a subcontract or purchase order for supplies.)*
- ___ 8. Pre-Award On-Site Equal Opportunity Compliance Evaluation *(Include if subcontract is expected to exceed \$10,000,000.)*
9. Authorized Negotiators
10. Taxpayer Identification

REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS
OF OFFERORS FOR COMMERCIAL ITEMS

1. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER
RESPONSIBILITY MATTERS (FAR 52.209-5) (MAR 1996)

(f)

- (1) The Offeror certifies, to the best of its knowledge and belief, that –
 - (i) The Offeror and/or any of its Principals –
 - (A) Are ☐ are not ☐ presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency.
 - (B) Have ☐ have not ☐, within a 3-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
 - (C) Are ☐ are not ☐ presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in Subdivision (a)(1)(i)(B) of this provision.
 - (ii) The Offeror has ☐ has not ☐, within a 3-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.
- (2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager, plant manager, head of a subsidiary, division, or business segment, and similar positions).

This certification concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Section 1001, Title 18, United States Code.

- (g) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (h) A certification that any of the items in Paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.
- (i) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by Paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (j) The certification in Paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

2. SMALL BUSINESS PROGRAM REPRESENTATIONS (FAR 52.219-1) (OCT 2000)

(a) Business Size

- (1) The North American Industry Classification System (NAICS) code for this acquisition is *(Insert NAICS code.)* _____.
- (2) The small business size standard is *(Insert size standard.)* _____.
- (3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) Representations

- (1) The Offeror represents as part of its offer that it [] is, [] is not a small business concern.
- (2) **(Complete only if the Offeror represented itself as a small business concern in Paragraph (b)(1) of this provision.)** The Offeror represents, for general statistical purposes, that it [] is [] is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.
- (3) **(Complete only if the Offeror represented itself as a small business concern in Paragraph (b)(1) of this provision.)** The Offeror represents as part of its offer that it [] is [] is not a woman-owned small business concern.
- (4) **(Complete only if Offeror represented itself as a small business concern in Paragraph (b)(1) of this provision.)**
The Offeror represents as part of its offer, that --
It [] is [] is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and
It [] is [] is not a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (b)(4)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. **(The Offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture: _____.)**
Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(c) Definitions

"Small Business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in Paragraph (a) of this provision.

"Women-owned small business concern," as used in this provision means a small business concern –

- (1) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (2) Whose management and daily business operations are controlled by one or more women.

(d) Notice

- (1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.
- (2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to Section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall –
 - (i) Be punished by imposition of fine, imprisonment, or both;
 - (ii) Be subject to administrative remedies, including suspension and debarment; and
 - (iii) Be ineligible for participation in programs conducted under the authority of the Act.

3. **PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FAR 52.222-22) (FEB 1999)**

The Offeror represents that –

- (a) It [] has, [] has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;
- (b) It [] has, [] has not, filed all required compliance reports, and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

4. **AFFIRMATIVE ACTION COMPLIANCE (FAR 52.222-25) (APR 1984)**

The Offeror represents that (a) it [] has developed and has on file, [] has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or (b) it [] has not previously had contracts subject to the written affirmative action programs requirements of the rules and regulations of the Secretary of Labor.

5. **COMPLIANCE WITH VETERANS EMPLOYMENT REPORTING REQUIREMENTS**

The Offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., the VETS-100 report required by the Federal Acquisition Regulation clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has [] has not [] submitted the most recent report required by 38 U.S.C. 4212(d).

An Offeror who checks "has not" may not be awarded a contract until the required reports are filed. (31 U.S.C. 1354).

6. **ROYALTY INFORMATION (FAR 52.227-6) (APR 1984)**

(a) Cost or charges for royalties. When the response to this solicitation contains costs or charges for royalties totaling more than \$25.00, the following information shall be included in the response relating to each separate item of royalty or license fee:

(1) Name and address of licensor.

(2) Date of license agreement.

(3) Patent numbers, patent application serial numbers, or other basis on which the royalty is payable.

(4) Brief description, including any part or model numbers of each contract item or component on which the royalty is payable.

(5) Percentage or dollar rate of royalty per unit.

(6) Unit price of contract item.

(7) Number of units.

(8) Total dollar amount of royalties.

(b) *Copies of current licenses.* In addition, if specifically requested by the Contracting Officer before execution of the contract, the Offeror shall furnish a copy of the current license agreement and an identification of applicable claims of specific patents.

7. **BUY AMERICAN CERTIFICATE (FAR 52.225-1) (DEC 1989)**

The Offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the clause entitled "Buy American Act-Supplies"), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

EXCLUDED END PRODUCTS

COUNTRY OF ORIGIN

(List as necessary)

Offerors may obtain from the contracting officer lists of articles, materials, and supplies excepted from the Buy American Act.

(End of provision)

8. **PRE-AWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION (far 52.222-24) (FEB 1999)**

If a contract in the amount of \$10 million or more will result from this solicitation, the prospective Contractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Contractor and subcontractors to be in compliance with Executive Order 11246.

9. **AUTHORIZED NEGOTIATORS**

The Offeror or quoter represents that the following persons are authorized to negotiate on its behalf with the Contractor in connection with this request for proposals or quotations. List name(s), title(s), and telephone number(s) of the authorized negotiator(s)

_____	_____
Name	Telephone No.

Title	

10. **TAXPAYER IDENTIFICATION**

(a) Definitions

"Common parent," as used in this solicitation provision, means that a corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the Offeror is a member.

"Corporate status," as used in this solicitation provision, means a designation as to whether the Offeror is a corporate entity, an unincorporated entity (e.g., sole proprietorship or partnership), or a corporation providing medical and health care services.

"Taxpayer Identification Number (TIN)," as used in this solicitation provision, means the number required by the Internal Revenue Service (IRS) to be used by the Offeror in reporting income tax and other returns.

- (b) All Offerors are required to submit the information required in Paragraphs (c) through (e) of this solicitation provision in order to comply with reporting requirements of 26. U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the IRS. If the resulting subcontract is subject to reporting requirements described in FAR 4.903, the failure or refusal by the Offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the subcontract.

(c) Taxpayer Identification Number (TIN).

☐ TIN _____.

☐ TIN has been applied for.

☐ TIN is not required because:

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.;

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of a Federal, state, or local government;

☐ Other. State basis _____.

(d) Corporate Status

☐ Corporation providing medical and health care services, or engaged in the billing and collecting of payments for such services.

☐ Other corporate entity.

☐ Not a corporate entity.

☐ Sole proprietorship.

☐ Partnership.

☐ Hospital or extended care facility described in 26 CFR 501 (c)(3) that is exempt from taxation under 26 CFR 501 (a).

(e) Common Parent.

☐ Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.

☐ Name and TIN of common parent.

Name _____.

TIN _____.

Signature/Certification

By signing below, the Offeror certifies, under penalty of law, that the representations and certifications are accurate, current, and complete. The Offeror further certifies that it will notify the Contractor of any changes to these representations and certifications. The representations and certifications made by the Offeror, as contained herein, concern matters within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent representation or certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

Signature of the Officer or Employee
Responsible for the Offer/Offeror

Date of Execution

Typed/Printed Name and Title of the Officer
or Employee Signing Above